

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

CHAND WIJE

VS.

UNIVERSITY OF TEXAS MEDICAL
BRANCH AT GALVESTON, ET AL.

§
§
§
§
§
§

CIVIL ACTION NO. G-04-464

OPINION AND ORDER

Before the Court is a Report and Recommendation from the United States Magistrate Judge which recommends that the Defendant's "Partial Motion to Dismiss Plaintiff's Supplemental and Original Complaint" be granted in part and denied in part. Plaintiff, Chand Wije, has filed a Notice of no objection to the Report and Recommendation; the Defendants have filed no objections.

Upon *de novo* review pursuant to 28 U.S.C. § 636(b)(1)(C), the Court **FINDS** that the Report and Recommendation is a well reasoned and correct application of federal and state law to the original and supplemental complaints of Wije and it is, therefore, **ACCEPTED** by this Court in its entirety and incorporated by reference herein.

Accordingly, it is the **ORDER** of this Court the "Defendants University of Texas Medical Branch at Galveston, Christine S. Benham, Jay S. Howell, and Cynthia S. Hodskins' Partial Motion to Dismiss Plaintiff's Supplemental and Original Complaint" (Instrument no. 35) is **GRANTED in part** and Wije's claims brought under the Age Discrimination and Employment Act are **DISMISSED**; Wije's Title VII claims against the individual Defendants are **DISMISSED**; Wije's state law tort claims for conspiracy and intentional infliction of emotional distress against UTMB and the individual Defendants, in their official capacities, are **DISMISSED**; and Wije's claims for intentional infliction of emotional distress against the individual Defendants are **DISMISSED**.

It is further **ORDERED** that the Defendants' Motion (Instrument no. 35) is **DENIED** insofar as it seeks the dismissal of Wije's claim under the Equal Pay Act.

DONE at Galveston, Texas, this 10th day of May, 2005.



Samuel B. Kent
United States District Judge